




TO: Menasha Plan Commission

FROM: Mike Hopfensperger, CDD Intern 

DATE: August 16, 2012

RE: Information Pertaining to Other Communities' Approaches to Regulating Electronic Billboards

The surrounding cities of Appleton, Neenah, and Oshkosh do not allow the construction of new billboards and thus do not allow the construction of Electronic or Digital Billboards (EBB's).

There are cities in the state that do allow EBB's. Green Bay and Fond du Lac from Northeast WI, and La Crosse County from the Western side of Wisconsin, the State also allows the construction of EBB's to protect against distraction most of the State laws pertain to the duration and speed of a message; with a very vague limitation on illumination levels. The local laws from Green Bay, Fond du Lac, and La Crosse County, are far more specific on setbacks, heights, distance from other billboards (varying between EBB's and standard billboards), illumination levels, message duration and style, and the use of a mitigation points system to reduce the number of billboards for the construction of new boards. In Green Bay the new EBB is to pass through the permitting and approval process that includes the matter be brought up and passed through Plan Commission and City Council. The Green Bay regulations do reference their permitting process being a "conditional use" permit until the Federal Highway Administration (FHWA) study on digital billboards concludes, phase one is out but phase two and three are not completed. Fond du Lac has a very similar ordinance for EEB's to that of Green Bay's, mainly in the use of a mitigation points system to reduce the number of non conforming structures, which all billboards built before the date of adoption have been considered non conforming.

For more information, in the attachments I will have the web address for the phase 1 report and summary, along with the Green Bay, Fond du Lac, La Crosse County, and Wisconsin regulation on EBB's.

La Crosse County

To put up an electronic billboard, it has to get a permit from the county. In order to get the permit, there will be a public hearing, the site will be reviewed, and the digital sign must hold an image for eight seconds.

First, such signs can only be off-premise and static signs can only be converted to a digital billboard after a public hearing, where notice is provided to all residents within 1000 feet of the sign and to the County Board Supervisors, media, and the town where the sign is located. Such signs are also subject to specific requirements, such as not exceeding certain brightness levels between dusk and dawn, must be located on a federal aid primary highway where traffic counts are greater than 20,000 vehicles per day, and can only be located a minimum of 1,320 feet from a zoned Residential or Public Facilities and Institutional District Line or sensitive area if adjacent to class 4 highways or 1500 feet from an RPA District Line for all other highways. Such billboards shall be separated from other digital billboards by a minimum 2500 feet.

Finally, any person who is aggrieved by a decision of the department shall have the right to appeal pursuant to Chapter 68 of the Wisconsin Statutes to the Planning, Resources and Development Committee.

Off-premise static signs are subject a number of restrictions, including that such signs must be a minimum of 900 feet from a RPA District Line if illuminated and 300 feet in non-illuminated. Off-premise static signs must also not exceed 300 square feet per side of the sign and shall not exceed 672 square feet per side of the sign along a class 4 highway. In addition, such signs shall not exceed a height of 30 feet above ground level at the site of the sign, except the maximum height shall be 50 feet above ground level at the sign site if located along class 4 highways, but in no event shall the maximum height exceed 50 feet above the adjacent road centerline.

Electronic Message Units that are in operation as of the date of the operation of the ordinance that are capable being re-programmed to comply with the ordinance must do so within 90 days.

Green Bay

1. Standards and Prohibitions Applicable to All Signs – Signs must be maintained in good repair, must be structurally sound, must not be distracting or unsafe, and must not conflict with official signage or traffic signals.
2. Standards – The maximum size and height of billboards are limited, among other dimensional standards. They can be no more than 700 square feet per sign face and no taller than 30 feet.
3. Locational Limitations
 - a. Allowed only in zoning districts: C1-General Commercial, C2-Highway Commercial, LI-Light Industrial, or GI-General Industrial
 - b. Must be located outside of required front yard setbacks for the zoning district and must not project over right-of-way

- c. Not allowed in the Central Business District (CBD) (Map A of Section 13-2013 of the Zoning Ordinance)
- d. Not allowed along waterways, in natural areas, or in historic areas (Maps C and D of Section 13-2013 of the Zoning Ordinance)
- e. Not allowed within 50 feet of Residential zones, school properties, parks, or parkways or within 200 feet of such areas if the sign is facing the subject area (*Changes are proposed here. See next section.*)
- f. Not allowed within 350 feet of another billboard on the same street
- g. Not allowed within 750 feet of another billboard on the same freeway or expressway
- h. Multiple message signs must be located on a state or federal highway
- i. Multiple message signs must not be located within 500 feet of an intersection

j. No sign is allowed within the vision clearance triangle of an intersection

4. Mitigation – New billboards are only allowed as “replacements.” The total number of billboards

in the city is limited to the established maximum based on the off-premise sign inventory. A replacement sign may not exceed the sign face area of the sign being replaced.

5. Review Process

a. The closest comparable regulations in the current ordinance are for multiple message (tri-vision) billboards. These require conditional use approval.

6. Wisconsin Department of Transportation Standards – State standards also apply to off-premise signs erected along state, federal, or designated connecting highways.

a. Off-premise signs are limited to commercial and industrial zoning districts.

b. Sign messages may not flash or move or be animated or intermittent – they must be fully fixed and static during their time of display.

c. Additional provisions of Wisconsin Administrative Code Chapter Trans 201 may apply.

2. Additional Standards

a. Maximum luminance/brightness will be limited, and automatic dimming will be required.

b. Spill-over light onto a residential property will be prohibited.

c. A message must be displayed for a minimum of eight seconds.

d. Changing between messages must be completed in one second or less.

e. Movement, animation, speakers, and pyrotechnics will be prohibited.

3. Hazard Abatement – The city will have the means to turn off (until the issue can be resolved) a malfunctioning or otherwise hazardous digital billboard that is producing glare or interfering with a traffic signal.

4. Locational Limitations – These will remain the same as the existing ordinance, except that the separation from residential zones, school properties, parks, or parkways will be increased to 100 feet or 400 feet if the sign is facing the subject area.

5. Additional Mitigation – Since the maximum number of off-premise signs permitted in the city is

fixed at the number in the current sign inventory, and because digital billboards can display multiple messages, a new digital billboard (whether new construction or sign replacement) must be mitigated in three ways. Based on the existing ordinance, (1) the total number of billboards

in the city is limited to the established maximum based on the off-premise sign inventory, and (2) a new billboard may not exceed the sign face area of the sign or signs being replaced. In addition, (3) a new billboard must earn 5 mitigation points per sign face. All three measures must be satisfied, and one or more existing billboards will be removed as part of the mitigation process. The mitigation point system will weigh the removal of existing billboards based on the relative merit of the removal from the city's viewpoint and the relative value of the sign form the owner's viewpoint. Mitigation points can be earned in the following ways.

a. 5 points per sign face for the removal of a billboard that is nonconforming due to location in the downtown, a natural area, or a historic district

b. 4 points per sign face for the removal of any other nonconforming billboard

c. 3 points per sign face for the removal of a conforming billboard that is capable in its existing structural condition of safely supporting a digital billboard of the same area as the existing sign face

d. 2 points per sign face for the removal of any other existing billboard that is not capable in its existing structural condition of safely supporting a digital billboard of the same area as the existing sign face

e. 1 additional point per sign face for the removal of a billboard visible from a street or highway with a functional classification of Interstate, Freeway, or Principal Arterial

6. Review Process – Prior to the release of the Federal Highway Administration (FHWA) study on digital billboards, they will only be allowed with a conditional use permit. This means that approval by the Plan Commission and City Council will be required. Approval by the city Traffic Engineer will also be required.

7. Conditional Use Standards – For the near term, while the conditional use process is being utilized, the following will become standard conditions of approval. Other appropriate conditions of approval may also be required by the Plan Commission and City Council.

a. If the FHWA concludes before June 1, 2010 that digital billboards or their particular operation are detrimental to traffic safety, then the hazard posed by this sign shall be resolved. **If the hazard can be effectively resolved by adjusting the brightness, length of display, or other such performance issue, then this shall be allowed as the course of action. If the hazard cannot be effectively resolved by adjusting the performance of the sign, then the sign shall be removed and may be replaced with an approvable sign.**

b. **The Department of Public Works shall be provided with the means to turn off a digital billboard in the case of hazardous glare, interference with the visibility or effectiveness of a traffic signal or control, or other traffic hazard caused by the sign.**

- The Federal Highway Safety Administration study suggests that different standards are necessary
- The use of digital billboards in the city is contributing to an unsafe or hazardous traffic environment
- Valid community concerns are brought to the attention of the Plan Commission or City Council
- Any other situation arises that is in conflict with public health or safety or the other stated purposes of the City's adopted sign regulations

Trans 201.15 Electronic signs.

(1) PURPOSE. The purpose of this section is to set standards for the use of signs whose messages may be changed by electronic process in accordance with [23 USC 131](#) (c) (3) and (j), and ss. [84.30 \(3\) \(c\)](#) and [\(4\) \(b\)](#), Stats.

(2) DEFINITIONS. In this section:

(a) "Activities conducted on the property on which the signs are located" has the meaning provided in s. [Trans 201.19 \(2\)](#).

(b) "Message" means anything displayed on a sign, including copy, art animations and graphics.

(c) "Multiple message sign" means an outdoor advertising sign, display or device whose messages are on triangular louvered facings and are changed by electronic rotation of the louvers.

(d) "Public service information" means a message on an electronic sign which provides the time, date, temperature, weather, or information concerning civic, charitable or other noncommercial activities.

(e) "Segmented message" means any message or distinct subunit of a message presented by means of at least one display change on a variable message sign.

(f) "Traveling message" means a message which appears to move across a variable message sign.

(g) "Variable message sign" means an outdoor advertising sign, display or device without moving parts whose message may be changed by electronic process through the use of moving or intermittent light or lights.

(3) VARIABLE MESSAGE SIGNS. Signs authorized under s. [84.30 \(3\) \(c\)](#) and [\(e\)](#), Stats., may consist in whole or in part of a variable message sign subject to all of the following restrictions:

(a) Signs erected under s. [84.30 \(3\) \(c\)](#), Stats., may be used only to advertise activities conducted on the property on which the signs are located or to present public service information.

(b) Signs erected under s. [84.30 \(3\) \(e\)](#), Stats., may be used only to present public service information.

(c) No message may be displayed for less than one-half of a second.

(d) No message may be repeated at intervals of less than 2 seconds.

(e) No segmented message may last longer than 10 seconds.

(f) No traveling message may travel at a rate slower than 16 light columns per second or faster than 32 columns per second.

(g) No variable message sign lamp may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. Signs found to be brighter than necessary for adequate visibility shall be

adjusted by the person owning or controlling the sign in accordance with the instructions of the department.

(4) MULTIPLE MESSAGE SIGNS. Signs authorized under s. [84.30 \(3\) \(c\)](#) and [\(e\)](#), Stats., may consist in whole or in part of a multiple message sign subject to all of the following restrictions:

(a) The louver rotation time to change a message shall be one second or less.

(b) The time a message remains in a fixed position shall be 6 seconds or more.

(c) During an appeal under s. [84.30 \(18\)](#), Stats., or any other litigation with the department concerning a multiple message sign, the person owning or controlling the sign shall place the louvers in a fixed position and may not rotate them until a final decision has been rendered.

Note: A multiple message sign as defined in s. [Trans 201.15 \(2\) \(c\)](#) refers to the sign known in the outdoor advertising industry as a tri-vision sign, and a variable message sign defined in s. [Trans 201.15 \(2\) \(g\)](#) includes the device known in the outdoor advertising industry as a commercial electronic variable message sign.

History: Cr. [Register, July, 1983, No. 331](#), eff. 8-1-83; r. and recr. [Register, April, 1998, No. 508](#), eff. 5-1-98.

Federal Highway Administration (FHWA) study on digital billboards web address

<http://www.fhwa.dot.gov/realestate/cevms.htm>

Summary

<https://www.fhwa.dot.gov/realestate/elecbbbrd/chap2.htm>

BILLBOARDS/OFF-PREMISE ADVERTISING 11.12 F.

11.12 F. BILLBOARDS/OFF-PREMISE ADVERTISING

1. Purpose. The purpose of this section is to provide minimum standards to protect the life, health, safety, property, welfare, convenience, and enjoyment of the general public by regulating and controlling the location, use and maintenance of outdoor advertising signs and sign structures. The provisions of this section are intended to mitigate the aesthetic impact on a neighborhood that affects the visual environment, and to contribute to the development and maintenance of an attractive visual environment for the community while facilitating the communication of messages to the public.

The provisions of this section do not apply to properties located within 500 feet of either side of the centerline of U.S. Highway 41 or U.S. Highway 151, except that existing off-premise signs may be replaced if mitigated in accord with the provisions of this section.

2. Existing signs. Off-premise signs in existence prior to February 22, 2012 shall be considered a nonconforming use and shall represent the maximum number of off-premise signs permitted within the City of Fond du Lac.

3. Replacement/Relocation.

- a. Digital multiple message or static off-premise advertising signs may be permitted in the following zoning districts, upon City Council approval of a Special Use Permit:

- (1) Business districts: B-4, B-5, B-6, C-R
- (2) Manufacturing districts: M-1, M-2

- b. The mitigation credit for removal/replacement of an existing off-premise sign shall be one new sign permitted for the removal of two existing signs. An existing sign must be a minimum of 200 square feet to qualify for a mitigation credit. Each sign face shall constitute a sign.
- c. A replacement sign installed in the same location as an existing sign but does not meet all requirements of this ordinance may be allowed upon approval of a special use permit without necessity of a variance that might otherwise required to meet requirements for sign height and placement.
- d. Any new sign shall be installed within one year after the issuance of a building permit.

BILLBOARDS/OFF-PREMISE ADVERTISING 11.12 F.3.e.

- e. A demolition permit is required for the removal of an existing off-premise sign in mitigation of a new off-premise sign. A sign permit shall not be issued for a new/replacement off-premise sign until all conditions of the demolition permit have been met.

4. General Requirements.

- a. The maximum surface area per face of an off-premise sign is 300 square feet, including the frame and trim. Each sign face shall constitute a sign.
- b. Maximum sign height shall not exceed 30 feet. Sign height shall be measured from the average height at road grade elevation to the highest point of the sign.
- c. Minimum sign setback from the front lot line shall be not less than fifteen (15) feet. Setback distance shall be measured from the property line to the outermost physical extension of the sign.

5. Digital Multiple Message Signs

Signs shall meet all regulations of this section and applicable State of Wisconsin regulations, including the following:

- a. The time the message remains in a fixed position shall be eight (8) seconds or more before changing to the next message.
- b. The transition time, or the time it takes to change a message, shall be one second or less.
- c. No sign shall interfere with the visibility or the operation of any traffic signal or railroad control device.
- d. Movement, flashing, blinking, scrolling and/or animation is prohibited.
- e. Audio speakers and all forms of pyrotechnics are prohibited.
- f. Digital signs shall be equipped with automatic dimming capability, and light produced by such signs shall not exceed 0.3 foot candles over ambient light levels.